

ORIGINAL
(Red)**Delaware Solid Waste Authority**

P. O. BOX 981

DOVER, DELAWARE 19901

N. C. Vasuki, P. E.
General Manager

Telephone:

RECEIVED (302-678-5361)**SEP 24 1980**

September 17, 1980

**EPA - REGION III
HAZARDOUS MATERIALS BRANCH**

Mr. Jack J. Schramm
Regional Administrator
Region III
U. S. Environmental Protection Agency
Curtis Building
6th and Walnut Streets
Philadelphia, Pennsylvania 19106

CERTIFIED MAIL NO. 0882674
RETURN RECEIPT REQUESTED

Dear Mr. Schramm:

As a result of the recent adoption of hazardous waste regulations by your agency under the Resource Conservation and Recovery Act of 1976, the Delaware Solid Waste Authority has reviewed its programs and proposed operations in order to determine the applicability of the referenced regulatory requirements. As you may know, the Authority was established as a public instrumentality of the State pursuant to Delaware law for the express purpose of performing essential public and government functions regarding the management and disposal of solid wastes on a statewide basis. With respect to hazardous wastes, the Authority has no regulatory powers or management responsibilities since such activities by statute fall within the purview of the Delaware Department of Natural Resources and Environmental Control.

The Authority is currently in the process of opening landfills in New Castle County and Kent County and an Authority-owned and sponsored resource recovery plant is under construction at Pigeon Point, Delaware. In considering the impact of the referenced hazardous waste regulations on the subject Authority facilities, it has been concluded that pursuant to 40 C.F.R. §261.4(b)(1) the household wastes which the Authority will be receiving, by definition, would not be considered hazardous wastes for purposes of regulation. Although the Authority will be receiving a minimum amount of commercial and industrial trash, sanitary waste and other materials, the Authority intends to adopt a regulation which would prohibit the disposal of any hazardous waste at Authority facilities, with hazardous waste being defined in accordance with the recently adopted U. S. EPA regulations.

With respect to the resource recovery facility being constructed at Pigeon Point, it should be noted that a portion of the project involves a sewage sludge processing module which is being funded in part through grants administered by your office. Through contractual arrangements, the Authority is required to process

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the sewage sludge generated by the City of Wilmington sewage treatment plant. Since municipal sewage sludge has not been exempted from the provisions of the referenced hazardous waste regulations, appropriate testing was conducted by the City of Wilmington, which testing indicated that the subject municipal sewage sludge did not exhibit characteristics which would classify as a hazardous waste.

Based on the foregoing, the Authority has not submitted notices or permit applications to your agency under the provisions of the hazardous waste regulations. Considering that the subject regulations are extensive and subject to varying interpretations, the Authority deemed it appropriate to advise you at this time of the manner in which it intends to manage and operate its solid waste disposal and resource recovery facilities.

In the event you foresee any difficulties from a hazardous waste viewpoint regarding the Authority's intended course of action as set forth herein, your comments would be greatly appreciated.

Sincerely yours,



N. C. Vasuki
General Manager

cc: Solid Waste Authority Directors
F. Michael Parkowski, Esq.
Mr. Thomas P. Eichler
Mr. Kenneth Weiss